

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	CRIMINAL ACTION
v.	)	
	)	NO. 04-10299-PBS
ANDRES MARTINEZ	)	
	)	

UNITED STATES' ASSENTED TO  
MOTION TO CONTINUE SENTENCING

The United States respectfully moves this Court to continue sentencing for defendant ANDRES MARTINEZ currently set for Friday, June 2, 2006 until Monday, June 26, 2006 at 3:00 p.m. In support, the government submits the following:

1. The sentencing hearing in this case will be a contested evidentiary hearing. In particular, the government will be taking the position that defendant should receive a four level increase for role in offense under U.S.S.G. Sec. 3B1.1 and should not receive a three level reduction for acceptance of responsibility under U.S.S.G. Sec. 3E1.1. Defendant contests the government's position. During the hearing, the government will present the testimony of at least one cooperating defendant and the DEA case agent. The testimony of the DEA case agent is essential to government's presentation of evidence.

2. Within the past two weeks, the DEA case agent has had a serious medical issue with one of his minor children. The medical issue involved serious surgery with follow up treatment. The case agent will be unavailable for testimony on June 2, 2006,

but will be available on June 26, 2006.

Undersigned counsel has conferred with counsel for defendant, John F. Cicilline. Counsel for defendant assents to the granting of this motion and is available on June 26, 2006 at 3:00 p.m.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Neil J. Gallagher, Jr.  
Neil J. Gallagher, Jr.  
Assistant U.S. Attorney  
(617) 748-3397

Date: May 31, 2006